

**DENIED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

ALL DUE DATE WRIGHT # 255697  
PLAINTIFF,

S.

JERRY L. WOOTEON WEBER ET AL.  
DEFENDANTS,

RECEIVED  
U.S. DISTRICT COURT  
CLERK'S OFFICE

CIA NO. 1:11-2199-TW

PLAINTIFF'S MOTION  
TO ALTER/AMEND  
JUDGEMENT  
RULE-59(e)

WHEREAS PLAINTIFF RESPECTFULLY TO  
MOVE THIS COURT ON MOTION TO ALTER AND  
AMEND ITS JUDGEMENT IN THE ABOVE TITLED  
CASE - PURSUANT TO RULE 59. OF THE FRCP.  
PLAINTIFF REQUEST THAT THE MAGISTRATE RECALL  
THE RULING SET FORTH IN THE REPORT AND  
RECOMMENDATION ENTERED ON 7/3/12 .

PLAINTIFF HAS NOW SUBMITTED HIS AMENDED/  
SUPPLEMENTAL PLEADINGS (RESPONSE TO DEFENDANTS  
MOTION FOR SUMMARY JUDGEMENT AND OBJECTIONS  
TO MAGISTRATES REPORT AND RECOMMENDATION)  
THESE PLEADINGS WILL AID IN PRESENTING THE  
MERITS OF THE PLAINTIFFS CASE BY CONFORMING  
TO THE EVIDENCE AND SETTING FORTH EVIDENCE  
WITH SPECIFICITY TO SUPPORT HIS CLAIMS.

DEFENDANTS WILL NOT BE PREJUDICED BY AN  
ALTERED/AMENDED JUDGEMENT IN MAINTAINING  
THEIR DEFENSE.

THE MAGISTRATES' REPORT AND RECOMMENDATION  
CONTENDS THAT THE PLAINTIFF HAD NOT RESPONDED  
SUBSTANTIALLY TO DEFENDANTS MOTION FOR SUMMARY  
JUDGEMENT. AND PLAINTIFF IN HIS INITIAL OBJEC-  
TIONS TO MAGISTRATES REPORT AND RECOMMENDATION  
SHOWED WITH DOCUMENTARY EVIDENCE / DECLARATION  
AND CASE LAW THAT HIS FAILURE TO RESPOND WAS  
DUE TO MISUNDERSTANDING BY A PRO SE PRISONER  
LITIGANT WHO SUFFERS FROM A MENTAL ILLNESS,  
WITH NO TRAINING AND EXPERIENCE IN LAW.  
AND THAT HE WAS JUSTIFIED IN HIS BELIEF THAT HE  
WAS EXCUSED FROM RESPONDED BECAUSE MAGISTRATE  
HAD GRANTED EXTENSION TO DEFENDANTS THAT  
EXTENDED BEYOND THE APRIL 18TH, 2012 DATE  
THAT WAS SET FORTH ORDERED BY MAGISTRATE  
TO RESPOND (SEE PLAINTIFFS OBJECTION TO MAGISTRATES'

REPORT AND RECOMMENDATION AND DECLARATION IN  
SUPPORT OF.

ALSO THE COURT SHOULD NOTE THAT THE PLAINTIFF  
SOUGHT AND RECEIVED AN EXTENSION OF TIME TO  
FILE OBJECTIONS TO THE MAGISTRATE'S REPORT  
AND RECOMMENDATION AND WAS GRANTED UNTIL  
THE 20<sup>TH</sup> OF AUGUST, 2012 TO DO SO, THEREFORE  
PLAINTIFF HAD UNTIL THE 20<sup>TH</sup> OF AUGUST TO  
AMEND / SUPPLEMENT HIS INITIAL OBJECTIONS  
FILED ON AUGUST 6<sup>TH</sup>, 2012, BUT WAS UNABLE  
TO DUE TO CIRCUMSTANCES BEYOND HIS CONTROL  
WHICH INCLUDE LEGAL MATERIALS BEING LOSS  
BY PRISON OFFICIALS DURING THE PLAINTIFF'S  
TRANSFER FROM FERRY CORR INST. TO ALLENDALE  
CORR INST. ON AUG. 9, 2012. (EXHIBITS ON FILE).

IN THE INTEREST OF JUSTICE AND FINALITY  
PLAINTIFF REQUEST THE ABOVE MENTIONED  
JUDGEMENT BE ALTERED AND OR AMENDED RE-OPENING  
PLAINTIFFS' CASE.

Allen Wright

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

ALLEN WRIGHT #255697  
PLAINTIFF

CIA NO. 1:11-2199-TWL

VS.

JASON WERRE & al  
DEFENDANTS

CERTIFICATE  
OF  
SERVICE

THE UNDERSIGNED HEREBY CERTIFIES  
THAT HE HAS SERVED ON U.S. DISTRICT  
COURT AND DEFENDANTS, PLAINTIFFS MOTION  
TO ALTER OR AMEND JUDGEMENT - RULE 59(e).  
BY U.S. MAIL, POSTAGE PREPAID, ADDRESSED AS  
FOLLOWS:

- U.S. DISTRICT COURT  
CLERKS OFFICE  
901 RICHLAND STREET  
COLUMBIA, S.C. 29201

- MCDONALD PATRICK POSON  
HEMPHILL & ROPER, LLC  
414 GREENWOOD, S.C. 29648-1547

DATE: OCT. 3, 2012

Allen Wright,